



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Permit No.: **VA0024970**
Effective Date: **April 5, 2011**
Expiration Date: **April 4, 2016**

**AUTHORIZATION TO DISCHARGE UNDER THE
VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM
AND**

THE VIRGINIA STATE WATER CONTROL LAW

In compliance with the provisions of the Clean Water Act as amended and pursuant to the State Water Control Law and regulations adopted pursuant thereto, the following owner is authorized to discharge in accordance with the effluent limitations, monitoring requirements, and other conditions set forth in this permit.

Owner: **City of Lynchburg**
Facility Name: **Lynchburg Regional Wastewater Plant**
City: **Lynchburg, Virginia**
County: **N/A**
Facility Location: **2301 Concord Turnpike, Lynchburg, VA 24504**

The owner is authorized to discharge to the following receiving stream:

Stream: **James River**
River Basin: **James River (Middle)**
River Subbasin: **N/A**
Section: **11e**
Class: **III**
Special Standards: **None**

A handwritten signature in blue ink, appearing to read "Robert J. Weld".

Robert J. Weld, Regional Director, Blue Ridge Regional Office

4/5/2011

Date

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning with the permit's effective date and lasting until the permit's expiration date, the permittee is authorized to discharge from outfall serial number 001.

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS						MONITORING REQUIREMENTS	
	MONTHLY AVERAGE		WEEKLY AVERAGE		MINIMUM	MAXIMUM	FREQUENCY	SAMPLE TYPE
	mg/l*	kg/day*	mg/l*	kg/d*	mg/l*	mg/l*		
Flow (MGD) [a]	NL		NA		NA	NL	Continuous	TIRE
BOD5 [d]	30	2498	45	3747	NA	NA	3 Days/Week	24-HC
Total Suspended Solids [d]	30	2498	45	3747	NA	NA	3 Days/Week	24-HC
Total Residual Chlorine (mg/l) [b] [c]	0.022	NA	0.026	NA	NA	NA	1/Day	Grab
pH (standard units)	NA		NA		6.0	9.0	1/Day	Grab
<i>E. Coli</i> (N/CML – geometric mean)	126		NA		NA	NA	1/Week	Grab

* = UNLESS OTHERWISE NOTED NA = NOT APPLICABLE NL = NO LIMIT, MONITORING REQUIREMENT ONLY

TIRE = TOTALIZING, INDICATING AND RECORDING EQUIPMENT

[a] See Part I.C.6. for additional flow requirements.

[b] See Part I.B. for additional chlorine monitoring instructions.

[c] See Parts I.C.7.a. and I.C.7.b. for quantification levels and reporting requirements, respectively.

[d] See Part I.C.9. for additional instructions regarding effluent monitoring frequencies.

- a. The design flow of this treatment facility is **22.0 MGD**.
- b. The 30-day average percent removal for BOD5 and TSS shall not be less than 85 percent for this effluent.
- c. There shall be no discharge of floating solids or visible foam in other than trace amounts.

A. STORM WATER EFFLUENT LIMITATIONS/MONITORING

2. During the period beginning with the permit's effective date and lasting until the permit's expiration date, the permittee is authorized to discharge from outfall serial numbers **200** and **300** (Storm water).

THESE OUTFALLS SHALL CONTAIN STORM WATER RUNOFF WHERE NO MONITORING IS REQUIRED. THERE SHALL BE NO DISCHARGE OF PROCESS WASTEWATER FROM THESE OUTFALLS.

- a. There shall be no discharge of floating solids or visible foam in other than trace amounts.

A. SLUDGE LIMITATIONS/MONITORING

3. During the period beginning with the initiation of land application and lasting until the permit's expiration date, the permittee is authorized to manage sewage sludge according to the approved Sludge Management Plan. At the time of initiation of land application, the pollutants in the sewage sludge shall be limited and monitored by the permittee as specified below:

a. Annual Sludge Production Data

Records of the annual total amount of sludge produced, in dry metric tons, by your facility and annual amount of sludge, in dry metric tons, used or disposed in various methods (if applicable) shall be maintained on site.

b. Chemical Pollutant Limitations:

SLUDGE CHARACTERISTICS	LIMITATIONS		MONITORING REQUIREMENTS	
	CEILING CONCENTRATION MAXIMUM	MONTHLY AVERAGE	FREQUENCY	SAMPLE TYPE
	mg/kg	mg/kg [a]		
Percent Solids	NA	NL	6/Year	Composite
Total Arsenic	75	41	6/Year	Composite
Total Cadmium	85	39	6/Year	Composite
Total Copper	4300	1500	6/Year	Composite
Total Lead	840	300	6/Year	Composite
Total Mercury	57	17	6/Year	Composite
Total Molybdenum	75	NA	6/Year	Composite
Total Nickel	420	420	6/Year	Composite
Total Selenium	100	100	6/Year	Composite
Total Zinc	7500	2800	6/Year	Composite

A. SLUDGE LIMITATIONS AND MONITORING REQUIREMENTS (Part I, A.3. Continued)

NA = NOT APPLICABLE; NL = NO LIMIT, MONITORING REQUIREMENT ONLY

[a] Dry weight basis, unless otherwise stated.

6 times per year (6/Year) = In accordance with the following schedule: 1st period (January 1 – February 28/29, **due March 10**); 2nd period (March 1 – April 30, **due May 10**); 3rd period (May 1 – June 30; **due July 10**); 4th period (July 1 – August 31; **due September 10**); 5th period (September 1 – October 31, **due November 10**); 6th period (November 1 – December 31, **due January 10**).

c. Pathogen Reduction Limitations

- (1) Class B – Alternative 2, Processes to significantly reduce pathogens (PSRP) via lime stabilization – Sufficient lime shall be added to the sewage sludge to raise the pH of the sewage sludge to 12 after two hours of contact, or
- (2) Class B – Alternative 1, Monitoring of Indicator Organisms – Seven representative samples of the sewage sludge shall be collected. The geometric mean of the density of fecal coliform in the samples collected shall be less than either 2,000,000 Most Probable Number per gram of total solids (dry weight basis) or 2,000,000 Colony Forming Units per gram of total solids (dry weight basis).

d. Vector Attraction Reduction Limitations

Lime addition – The pH of the sewage sludge shall be raised to 12 or higher by alkaline addition and, without the addition of more alkaline material, shall remain at 12 or higher for two hours and then at 11.5 or higher for an additional 22 hours.

B. ADDITIONAL TOTAL RESIDUAL CHLORINE (TRC) LIMITATIONS AND MONITORING REQUIREMENTS

1.
 - a. The permittee shall monitor the TRC at the outlet of the chlorine contact tank, prior to dechlorination, once per 2 hours by grab sample.
 - b. No more than 36 of all samples taken after the chlorine contact tank, prior to dechlorination, shall be less than 0.75 mg/l for any one calendar month.
 - c. No TRC sample collected after the chlorine contact tank, prior to dechlorination, shall be less than 0.6 mg/l.
2. If an alternative to chlorination as a disinfection method is used, *E. coli* shall be limited and monitored by the permittee as specified below:

	<u>Discharge Limitations</u>	<u>Monitoring Requirements</u>	
	<u>Monthly Average</u>	<u>Frequency</u>	<u>Sample Type</u>
<i>E. coli</i> (n/100 ml)	126*	1/Day	Grab (Between 10 AM & 4 PM)

The above requirements, if applicable, shall substitute for the TRC requirements delineated in Parts I.A. and I.B.1 above.

* Geometric Mean

C. OTHER REQUIREMENTS OR SPECIAL CONDITIONS

1. Permit Reopeners
 - a. Sludge Reopener

This permit may be modified or, alternatively, revoked and reissued if any applicable standard for sewage sludge use or disposal promulgated under Section 405(d) of the Clean Water Act is more stringent than any requirements for sludge use or disposal in this permit, or controls a pollutant or practice not limited in this permit.
 - b. Total Maximum Daily Load (TMDL) Reopener

This permit shall be modified or, alternatively, revoked and reissued if any approved waste load allocation procedure, pursuant to section 303(d) of the Clean Water Act, imposes waste load allocations, limits or conditions on the facility that are not consistent with the requirements of this permit.
 - c. Chesapeake Bay Nutrients Reopener

This permit may be modified or, alternatively, revoked and reissued to incorporate new or alternative nutrient limitations and/or monitoring requirements should the State Water Control Board adopt new nutrient standards for the waterbody receiving the discharge, including the

Chesapeake Bay or its tributaries, or if a future water quality regulation or statute requires new or alternative nutrient control.

2. Licensed Wastewater Operator Requirement

The permittee shall employ or contract at least one Class I licensed wastewater works operator for the facility. The license shall be issued in accordance with Title 54.1 of the Code of Virginia and the regulations of the Board for Waterworks and Wastewater Works Operators. The permittee shall notify the DEQ Regional Office, in writing, whenever he is not complying, or has grounds for anticipating he will not comply with this requirement. The notification shall include a statement of reasons and a prompt schedule for achieving compliance.

3. Reliability Class Requirement

The permitted treatment works shall meet Reliability Class I.

4. Certificate to Construct (CTC) and Certificate to Operate (CTO) Requirements

The permittee shall, in accordance with the Sewage Collection and Treatment Regulations, obtain a CTC and a CTO from the DEQ prior to constructing wastewater treatment facilities and operating the facilities, respectively.

5. Operations and Maintenance (O & M) Manual

The permittee shall review the existing O & M Manual and notify the DEQ Regional Office, in writing, that it is still accurate and complete. If the O & M Manual is no longer accurate and complete, a revised O & M Manual shall be submitted for approval to the DEQ Regional Office. The permittee will maintain an accurate, approved O & M Manual for the treatment works. This manual shall include, but not necessarily be limited to, the following items, as appropriate:

- a. Treatment works design and operation, routine preventative maintenance of units within the treatment system, critical spare parts inventory and record keeping;
- b. Procedures for measuring and recording the duration and volume of treated wastewater discharged;
- c. Techniques to be employed in the collection, preservation and analysis of effluent and sludge samples; and,
- d. Procedures for handling, storing, and disposing of all wastes, fluids, and pollutants characterized in Part I.C.8. (Materials Handling and Storage) that will prevent these materials from reaching state waters; and,

Any changes in the practices and procedures followed by the permittee shall be documented and submitted for approval, as noted above, within 90 days of the effective date of the changes. Upon approval of the submitted manual changes, the revised manual becomes an enforceable part of this permit. Noncompliance with the O & M Manual shall be deemed a violation of the permit.

Letter/Revised Manual Due: No later than July 10, 2011.

6. 95% Design Capacity Notification

A written notice and a **plan of action** for ensuring continued compliance with the terms of this permit shall be submitted to the DEQ Regional Office when the monthly average flow influent to the sewage

treatment plant reaches 95 percent of the design capacity authorized in this permit for each month of any three consecutive month period. The written notice shall be submitted within 30 days and the plan of action shall be received at the DEQ Regional Office **no later than 90 days from the third consecutive month for which the flow reached 95 percent of the design capacity.** The plan shall include the necessary steps and a prompt schedule of implementation for controlling any current or reasonably anticipated problem resulting from high influent flows. Failure to submit an adequate plan in a timely manner shall be deemed a violation of this permit.

7. Compliance Reporting Under Part I.A. and I.B

a. Quantification Levels

- (1) The quantification levels (QL) shall be as follows:

<u>Effluent Characteristic</u>	<u>Quantification Level</u>
Chlorine, Total Residual	0.10 mg/l

- (2) The permittee may use any approved method which has a QL equal to or lower than the QL listed in a.(1) above. The QL is defined as the lowest concentration used to calibrate a measurement system in accordance with the procedures published for the method.
- (3) It is the responsibility of the permittee to ensure that proper QA/QC protocols are followed during the sampling and analytical procedures. QA/QC information shall be documented to confirm that appropriate analytical procedures have been used and the required QLs have been attained.

b. Reporting

- (1) **Monthly Average** -- Compliance with the monthly average limitations and/or reporting requirements for the parameters listed in a.(1) above shall be determined as follows: All concentration data below the specified QL listed in a.(1) above shall be treated as zeros. All concentration data equal to or above the QL shall be treated as reported. An arithmetic average shall be calculated using all reported data, including the defined zeros, for the month. This arithmetic average shall be reported on the DMR as calculated. If all data are below the QL, then the average shall be reported as "<QL". If reporting for quantity is required on the DMR and the calculated concentration is <QL, then report "<QL" for the quantity; otherwise, use the calculated concentration to calculate the quantity.
- (2) **Maximum Weekly Average** -- Compliance with the weekly average limitations and/or reporting requirements for the parameters listed in a.(1) above shall be determined as follows: All concentration data below the specified QL listed in a.(1) above shall be treated as zeros. All concentration data equal to or above the QL shall be treated as reported. An arithmetic average shall be calculated using all reported data, including the defined zeros, collected within each complete calendar week entirely contained within the reporting month. The maximum value of the weekly averages thus determined shall be reported on the DMR. If all data for each weekly average are below the QL, then the average shall be reported as "<QL". If reporting for quantity is required on the DMR and the calculated concentration for each weekly

average is <QL, then report "<QL" for the quantity; otherwise, use the calculated maximum value of the weekly averages to calculate the quantity.

- (3) Any single datum required shall be reported as "<QL" if it is less than the QL listed in a.(1) above. Otherwise, the numerical value shall be reported.

8. Materials Handling and Storage

Any and all product, materials, industrial wastes, and/or other wastes resulting from the purchase, sale, mining, extraction, transport, preparation and/or storage of raw or intermediate materials, final product, by-product or wastes, shall be handled, disposed of and/or stored in such a manner so as not to permit a discharge of such product, materials, industrial wastes and/or other wastes to State waters, except as expressly authorized.

9. Effluent Monitoring Frequencies

If the facility permitted herein is issued a Notice of Violation for any of the parameters listed below, then the following effluent monitoring frequencies shall become effective upon written notice from DEQ and remain in effect until permit expiration date.

<u>Effluent Parameter</u>	<u>Frequency</u>
BOD5	1/Day
TSS	1/Day

No other effluent limitations or monitoring requirements are affected by this special condition.

10. Indirect Dischargers

The permittee shall provide adequate notice to the DEQ Regional Office of the following:

- a. Any new introduction of pollutants into the treatment works from an indirect discharger which would be subject to Section 301 or 306 of Clean Water Act and the State Water Control Law if it were directly discharging those pollutants; and
- b. Any substantial change in the volume or character of pollutants being introduced into the treatment works by a source introducing pollutants into the treatment works at the time of issuance of this permit.

Adequate notice shall include information on (i) the quality and quantity of effluent introduced into the treatment works, and (ii) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the treatment works.

11. PCB Monitoring

The permittee shall monitor the effluent at Outfall 001 for Polychlorinated Biphenyls (PCBs) in accordance with the schedule in 11.f. below. DEQ will use these data for development of a PCB TMDL for the James River. The permittee shall conduct the sampling and analysis in accordance with the requirements specified below. At a minimum:

- a. Monitoring and analysis shall be conducted in accordance with the most current version of EPA Method 1668, congener specific results as specified in the PCB Point Source Monitoring Guidance. It is the responsibility of the permittee to ensure that proper QA/QC protocols are followed during the sample gathering and analytical procedures.
- b. The permittee shall collect a minimum of 2 wet weather samples and 2 dry weather samples according to the PCB Point Source Guidance No. 09-2001, Appendix C (Sample Collection Methods for Effluent and Storm Water) and/or its amendments. Samples previously collected from these outfalls and analyzed with Method 1668, may be used in satisfying the total number of samples required even if the collection occurred prior to the current permit term.
- c. The sampling protocol shall be submitted to the DEQ Regional Office for review and approval in accordance with the schedule in 11.f. below prior to the first sample collection.
- d. The data shall be submitted to the DEQ Regional Office by the 10th day of the month following receipt of the results according to the PCB Point Source Guidance No. 09-2001, Appendix E (Reporting Requirements for Analytical (PCB) Data Generated Using EPA Method 1668) and/or its amendments. The submittal shall include the unadjusted and appropriately quantified individual PCB congener analytical results. Additionally, laboratory and field QA/QC documentation and results should be reported. Total PCBs are to be computed as the summation of the reported, quantified congeners.
- e. If the results of this monitoring indicate actual or potential exceedance of the water quality criterion or the Waste Load Allocation specified in the approved TMDL, the permittee shall submit to the DEQ Regional Office for review and approval a Pollutant Minimization Plan (PMP) designed to locate and reduce sources of PCBs in the collection system. A component of the plan may include an evaluation of the PCB congener distribution in the initial source intake water to determine the net contributions of PCBs introduced to the treatment works.
- f. PCB monitoring shall proceed in accordance with the following schedule:

1.	Submit PCB sampling protocol	No later than February 10, 2012.
2.	Complete and Submit PCB monitoring results to the DEQ Regional Office	No later than February 10, 2013.
3.	If required, Submit Pollutant Minimization Plan (PMP)	Within 1 year of notification by DEQ.

12. Facility Closure Plan

If the permittee does not intend to apply for reissuance of this permit or if any part of the facility presently permitted will not be included in a future permit application, an **approvable closure plan** shall be submitted to the DEQ Regional Office **90 days before the facility is taken out of service**. The closure plan shall include a plan of action and a schedule.

13. Permit Application Requirement

In accordance with Part II. M. of this permit, a new permit application shall be submitted for the reissuance of this permit.

Application Due: October 7, 2015.

D. PRETREATMENT

1. The permittee's pretreatment program has been approved. The program is an enforceable part of this permit. The permittee shall:
 - a. Implement a pretreatment program that complies with the Clean Water Act, Water Control Law, State regulations and the approved program.
 - b. Submit to the DEQ Regional Office an annual report that describes the permittee's program activities over the previous year. **The annual report shall be submitted no later than January 31 of each year** and shall include:
 - (1) An updated list of the Significant Industrial Users* showing the categorical standards and local limits applicable to each.
 - (2) A summary of the compliance status of each Significant Industrial User with pretreatment standards and permit requirements.
 - (3) A summary of the number and types of Significant Industrial User sampling and inspections performed by the POTW.
 - (4) All information concerning any interference, upset, VPDES permit or Water Quality Standards violations directly attributable to Significant Industrial Users and enforcement actions taken to alleviate said events.
 - (5) A description of all enforcement actions taken against Significant Industrial Users over the previous 12 months.
 - (6) A summary of any changes to the submitted pretreatment program that has not been previously reported to the DEQ Regional Office.
 - (7) A summary of the permits issued to Significant Industrial Users since the last annual report.
 - (8) POTW and self-monitoring results for Significant Industrial Users determined to be in significant non-compliance during the reporting period.
 - (9) Results of the POTW's influent/effluent/sludge sampling, not previously submitted to DEQ.
 - (10) Copies of newspaper publications of all Significant Industrial Users in significant non-compliance during the reporting period. This is due no later than March 31 of each year.

- (11) Signature of an authorized representative.
- c. Submit any changes to the approved pretreatment program to the DEQ Regional Office and obtain approval before implementation of the changes.
- d. Ensure all Significant Industrial Users' permits are issued and reissued in a timely manner and that the Significant Industrial User permits issued by the POTW are effective and enforceable.
- e. Inspect and sample all Significant Industrial Users at a minimum of once a year.
 - (1) Sampling shall include all regulated parameters, and shall be representative of the wastewater discharged.
 - (2) Inspection of the Significant Industrial Users shall cover all areas which could result in wastewater discharge to the treatment works including manufacturing, chemical storage, pretreatment facilities, spill prevention and control procedures, hazardous waste generation and Significant Industrial User's self-monitoring and records.
- f. Implement the reporting requirements of Part VII of the VPDES Permit Regulation.
- g. Review the Enforcement Response Plan (ERP) and ensure it meets state and federal regulatory requirements. The approved ERP is an enforceable part of this permit and shall be implemented.
- h. Develop local limits or reevaluate local limits using current influent, effluent and sludge monitoring data and submit the data and results of the evaluation to the DEQ Regional Office within one year of the effective or modification date. All Significant Industrial Users shall be sampled at the end of any categorical process and at the entrance to the treatment works.
- i. Ensure that adequate resources are available to implement the approved program.
- j. Meet all public participation requirements and annually public notice Significant Industrial Users in significant non-compliance with pretreatment standards and requirements for the previous 12 months.
- k. Submit to the DEQ Regional Office a survey of all Industrial Users discharging to the POTW. The information shall be submitted to the POTW on the DEQ's Discharger Survey Form or an equivalent form that includes the quantity and quality of the wastewater. Survey results shall include the identification of significant industrial users of the POTW.

Survey Due: No later than September 10, 2011.

In lieu of the survey, the permittee may elect to develop, submit for approval and implement the plan to continuously survey the industrial community in their jurisdiction.

- 2. The DEQ may require the POTW to institute changes to its pretreatment program:
 - a. If the approved program is not implemented in a way satisfying the requirements of the Clean Water Act, Water Control Law or State regulations;

- b. If problems such as pass-through, interference, water quality standards violations or sludge contamination develop or continue; and
- c. If federal, state or local requirements change.

* A significant industrial user is one that:

- Has a process wastewater (**) flow of 25,000 gallons or more per day;
- Contributes a process wastestream which makes up 5-percent or more of the average dry weather hydraulic or organic capacity of the POTW;
- Is subject to the categorical pretreatment standards; or
- Has significant impact, either singularly or in combination with other Significant Dischargers, on the treatment works or the quality of its effluent.

** Excludes sanitary, non-contact cooling water and boiler blowdown.

E. TOXICS MANAGEMENT PROGRAM

1. Biological Monitoring:

- a. In accordance with the schedule in 2. below, the permittee shall conduct annual acute and chronic toxicity tests for the duration of the permit term using 24-hour flow-proportioned composite samples of final effluent from outfall 001.

The acute toxicity tests to use are:

48-Hour Static Acute test using *Ceriodaphnia dubia*

48-Hour Static Acute test using *Pimephales promelas*

These acute tests are to be conducted using 5 geometric dilutions of effluent with a minimum of 4 replicates, with 5 organisms in each. The NOAEC (No Observed Adverse Effect Concentration), as determined by hypothesis testing, shall be reported with the result converted to TU_a (100/NOAEC). The LC_{50} should also be determined and noted on the submitted report. Tests in which control survival is less than 90% are not acceptable.

The chronic tests to use are:

Chronic 7-Day Static Renewal Survival and Growth Test using *Pimephales promelas*

Chronic 3-Brood Static Renewal Survival and Reproduction Test using *Ceriodaphnia dubia*

These chronic tests shall be conducted in such a manner and at sufficient dilutions (minimum of five dilutions, derived geometrically) to determine the "No Observed Effect Concentration" (NOEC) for survival and reproduction or growth. Results which cannot be determined (i.e., a "less than" NOEC value) are not acceptable, and a retest will have to be performed. Express the test NOEC as TU_c (Chronic Toxic Units), by dividing 100/NOEC for DMR reporting. Report the LC_{50} at 48 hours and the IC_{25} with the NOEC's in the test report.

The permittee may provide additional acute and/or chronic tests to address data variability during the period of data generation. These data shall be reported and may be included in the evaluation of effluent toxicity. Test procedures and reporting shall be in accordance with the

WET testing methods cited in 40 CFR 136.3

- b. The chronic test dilutions should be able to determine compliance with the following endpoints:
 - (1) Chronic NOEC of 13% effluent which is equivalent to a TU_c of 7.69
- b. The test data will be evaluated by STATS.EXE for reasonable potential at the conclusion of the test period. The data may be evaluated sooner if requested by the permittee, or if toxicity has been noted. Should evaluation of the data indicate that a limit is needed, a WET limit and compliance schedule will be required and the toxicity tests of 1.a. may be discontinued.
- d. If after evaluating the data, it is determined that no limit is needed, the permittee shall continue acute and chronic toxicity testing of the outfall annually, as on the reporting schedule in 2.
- e. All applicable data will be reevaluated for reasonable potential at the end of the permit term.

2. Reporting Schedule:

The permittee shall supply 2 copies of the toxicity test reports specified in this Toxics Management Program in accordance with the following schedule:

<u>Period</u>	<u>Compliance Periods</u>	<u>DMR/Report Submission Dates</u>
1 st Annual	January 1 – December 31, 2011	January 10, 2012
2 nd Annual	January 1 – December 31, 2012	January 10, 2013
3 rd Annual	January 1 – December 31, 2013	January 10, 2014
4 th Annual	January 1 – December 31, 2014	January 10, 2015

F. SEWAGE SLUDGE USE AND DISPOSAL, LIMITATIONS AND MONITORING REQUIREMENTS

1. Sewage Sludge Use and Disposal

The permittee shall conduct all sewage sludge use or disposal activities in accordance with the Sludge Management Plan (SMP) approved with the issuance of this permit. Any **proposed changes** in the sewage sludge use or disposal practices or procedures followed by the permittee shall be documented and **submitted for Department of Environmental Quality approval 90 days prior to the effective date of the changes**. Upon approval, the revised SMP becomes an enforceable part of the permit. The permit may be modified or, alternatively, revoked and reissued to incorporate limitations or conditions necessitated by substantive changes in sewage sludge use or disposal practices.

- 2. All samples shall be collected and analyzed in accordance with the approved O & M Manual [See special condition I.C.5.].
- 3. The permittee is required to retain the following information for at least 5 years:
 - a. The concentrations of each pollutant listed in Part I.A.3. (sludge);
 - b. A description of how the pathogen reduction requirements in Part I.A.3.c. (1) or (2) are met;

- c. A description of how the vector attraction reduction requirements in Part I.A.3.d. are met;
- d. A description of how the management practices specified in the approved Sludge Management Plan and/or this permit are met;
- e. The following certification statement:

"I certify, under penalty of law, that the pathogen requirements in **(permittee shall insert either 9 VAC 25-31-710 A. or B.)**, vector attraction reduction requirements in **(permittee shall insert one of the vector attraction reduction requirements in 9 VAC 25-31-720 B.1-B.10.)**, the management practices and the site restrictions (if applicable) for each site on which bulk sewage sludge is applied have been met. This determination has been made under my direction and supervision in accordance with the system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that the pathogen requirements, vector attraction reduction requirements, the management practices and the site restrictions (if applicable) have been met. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment."

G. COMBINED SEWER OVERFLOW ELIMINATION PROGRAM

The permittee operates a Combined Sewer System (CSS). The CSS includes combined sewer overflow (CSO) outfalls (Outfalls 009, 011, 014, 015, 017, 033, 034, 044, 048, 052, 055-057, 059, 061, 062, 066, 068, 070, 097, 098, 100, 109, 116, 121-125 and 133; see Attachment A). During the period beginning with the permit effective date and lasting until the permit expiration date, the permittee is authorized to discharge from the CSO outfalls listed in Attachment A. Such discharges shall be limited and conditioned by the permittee as specified in the following paragraphs.

Consistent with the Clean Water Act Section 301(b)(1)(C), the permittee must not discharge in excess of any limitation necessary to meet water quality standards established pursuant to State law. The Board has determined that the requirements outlined below constitute BCT/BAT/BJP for the CSS and are limitations necessary to meet water quality standards.

1. Nine Minimum Controls

The permittee has implemented measures throughout the CSS to meet the technology-based requirements (nine minimum controls) of EPA's CSO Policy, April, 1994 and incorporated into the Clean Water Act pursuant to the Wet Weather Water Quality Act, Section 402(q) of the Clean Water Act, 33 U.S.C. §1342.B.5. The permittee shall continue to implement documented activities, procedures, management practices and operations related to the CSS as follows:

- a. Operation and Maintenance
 - (1) Inspect and maintain the combined sewer overflow system to minimize the deposition of solids that could cause obstructions which would result in overflows.
 - (2) Inspect and perform preventive maintenance on CSS control structures (e.g. regulators and surrounding area) at least once per month.
 - (3) Inspect, remove screenings, and perform preventive maintenance at pumping stations as needed.
 - (4) Hydraulically clean sewers as needed.

- (5) Televis, evaluate conditions, and replace/rehabilitate in accordance with the schedule for construction outlined for separation projects in the Special Order issued to the City of Lynchburg on August 19, 1994, as amended (the Order).

b. Use Collection System for Storage

- (1) Maximize the in-line storage capacity by continuing the construction schedule for oversized interceptor sewers outlined in the Order.
- (2) Rehabilitate and/or replace sewers as needed at the time sewers are separated in accordance with the priorities in the CSO Control Plan.
- (3) Adjust WWTP influent pumping operations during wet weather events to maximize flows to the WWTP without exceeding permit limits.

c. Pretreatment Program

- (1) Review and modify the Pretreatment Program as necessary to minimize the industrial discharges from the CSOs.
- (2) Discontinue discharge of water treatment plant residuals to the CSS during wet weather events.
- (3) Use the Pretreatment Program to require significant industrial users discharging to the CSS to establish management practices to control batch discharges during wet weather conditions where feasible.

d. Maximize Flow to Wastewater Treatment Plant

- (1) Continue the replacement of interceptors under the schedule outlined in the Order.
- (2) Increase treatment rate at the WWTP to the extent practical without causing treatment or compliance problems during wet weather events.

e. Eliminate Dry Weather Overflows

- (1) No new combined sewers shall be built outside or inside of the presently existing combined sewer service areas, but this requirement shall not be construed to prevent the connection of new sanitary sewers to existing combined sewers for the purpose of conveying sewage to the treatment facility. The foregoing notwithstanding, no new connections shall be made to the combined sewers where those connections would cause overflows during dry-weather flow conditions.
- (2) Inspect and perform preventive maintenance on diversion weirs regularly.
- (3) Monitor pumping stations for Dry Weather Overflows (DWOs) regularly.
- (4) Maintain a 24-hour on call team to respond to reported DWOs.
- (5) Dry weather overflows from CSO outfalls are prohibited. Each dry weather overflow must be reported to DEQ's Regional Office as soon as the permittee becomes aware of the overflow in accordance with Part II.H. of this permit. When the permittee detects a dry weather overflow, the permittee shall begin corrective action immediately. The permittee shall inspect the dry weather overflow each subsequent day until the overflow has been eliminated.
- (6) Eliminate Infiltration and Inflow in accordance with separation projects listed in the Order.
- (7) Increase capacities in interceptor sewers in accordance with the schedule in the Order and subsequent studies.

f. Control Solids and Floatable Materials in CSOs

- (1) Minimize discharges of floating materials by regular cleaning of streets and catch basins.
- (2) Conduct an effective leaf pickup program.
- (3) Conduct a catch basin cleaning program.
- (4) Conduct a litter control program.

g. Pollution Prevention

- (1) Conduct regular public education programs with facility tours and advice on proper disposal of substances (e.g. household wastes, leaves and the use of fertilizer).
- (2) Support Adopt-a-Street programs.
- (3) Use the pretreatment program to help implement awareness programs that encourage industrial waste reduction through improved housekeeping and encourages recycling.
- (4) Operate and maintain a septage receiving station.
- (5) Enforce ordinances that prohibit entrance of any substance that may impair or damage the function and performance of collection treatment systems.

h. Public Notification

- (1) The permittee shall place and maintain warning signs at all CSOs which are predicted to discharge more frequently than once per month.
- (2) Continue to hold public meetings to provide the public information and obtain public input on the CSS, CSOs and control program.
- (3) Continue to hold community meetings to inform local groups on proposed control facilities.
- (4) Continue local press coverage of CSO program developments is continuing.
- (5) Continue rainleader disconnect assistance programs.
- (6) Continue the CSO Information Hotline to respond to citizen concerns.
- (7) A public meeting to receive comments on any significant proposed change to the Long-Term Control Plan (LTCP) shall be held prior to submittal of the LTCP to DEQ.

i. Monitoring

The permittee shall monitor the CSO system to characterize CSO impacts and the effectiveness of CSO projects. Monitoring results shall be used to validate and/or refine the CSO modeling. Monitoring shall include, at a minimum:

(1) Biosurvey Monitoring

The permittee shall conduct an annual biosurvey of benthic macroinvertebrates on Fishing and Blackwater Creeks at the following locations using EPA's Revision to Rapid Bioassessment Protocols for Use in Streams and Rivers as described in EPA 841-D97-002 (and subsequent editions).

- (a) Fishing Creek – at the first suitable location upstream of Liggates Road and at the first suitable location downstream of Campbell Avenue. Suitable locations to be determined based on the status of the CSO control program.

(b) Blackwater Creek – at the first suitable location downstream of the confluence of Tomahawk Creek and Burton Creek and at the first suitable location downstream of Langhorne Road. Suitable locations to be determined based on the status of the CSO control program.

The exact monitoring locations shall be approved by DEQ prior to each biosurvey.

The permittee shall submit a technical report of each biosurvey to the DEQ Regional Office within 60 days of completion.

(2) Fecal Coliform Monitoring

The permittee shall annually sample and analyze for fecal coliform at the following locations within 24 hours following a significant rain event.

- (a) James River near Reusens Dam (background data)
- (b) James River at John Lynch Bridge (Rt. 29 business)
- (c) Blackwater Creek at Williams viaduct
- (d) Fishing Creek at Florida Ave. Bridge
- (e) Blackwater Creek near Sandusky Park
- (f) College Lake near Lakeside Dr.
- (g) Blackwater Creek at Langhorne Road Bridge
- (h) Ivy Creek at Langhorne Road Bridge
- (i) Ivy Creek at Link Road Bridge

The results of each sampling shall be included with the next Discharge Monitoring Report submitted following the availability of results.

(3) The permittee shall monitor daily precipitation magnitude in the drainage area of the sewer collector system.

2. CSS Reporting

The permittee shall submit an annual report by December 1 of each year for the previous fiscal year to DEQ's Regional Office covering the following information:

- a. Summaries of the monitoring required under Part I.E.1.
- b. Modeled results of the number and volume of overflows for each CSO outfall based on the measured storm event data for the previous fiscal year using the Storm Water Management Model (SWMM).
- c. A summary of the actions taken during the previous fiscal year for meeting Part I.E.1. of this permit (Nine Minimum Controls).
- d. A report on the progress toward implementation of the Long-Term Control Plan (Part I.E.3.)
- e. Financial information as required by the Order.

3. Long-Term Control Plan

The permittee has developed a Long-Term Control Plan as identified in 'The City of Lynchburg-Combined Sewer Overflow Study Update' dated October 1989. The conclusions of the Long-Term Control Plan were incorporated into the Order. The permittee shall plan, design, and construct new projects in accordance with the terms and schedule of compliance contained in the Order.

As part of the James River Interceptor Sewer Study (Study) being conducted by the Corps of Engineers, flow monitoring to determine capacities and effects of completed CSO projects is being used to update priorities and costs of projects in the Long-Term Control Plan. Any proposed revisions to the Long-Term Control Plan or project priorities as a result of the Study shall be submitted to the Department of Environmental Quality for approval.

Combined Sewer Overflow Points - City of Lynchburg

Permit No. VA0024970

Outfall Serial Number	Name of Discharge Location	Latitude D - M - S	Longitude D - M - S	Receiving Waters
9	Dead end off Byrd and Belmont Streets	37 ⁰ -25'-31"	79 ⁰ -09'-21"	Tributary to Blackwater Creek
11	Monroe and 1st Streets	37 ⁰ -25'-00"	79 ⁰ -09'-25"	Tributary to Blackwater Creek
14	Between Brook Street and Centerdale Street	37 ⁰ -34'-00"	79 ⁰ -09'-49"	Fishing Creek
15	Between Kemper Street and 15th Street	37 ⁰ -24'-04"	79 ⁰ -09'-15"	Tributary to Fishing Creek
17	Tilden Avenue and 14th Street	37 ⁰ -23'-59"	79 ⁰ -09'-30"	Tributary to Fishing Creek
33	Mansfield Avenue between Eldon Street and Oakley Ave.	37 ⁰ -23'-46"	79 ⁰ -10'-08"	Tributary to Fishing Creek
34	Euclid Avenue and Eldon Street	37 ⁰ -23'-45"	79 ⁰ -10'-13"	Tributary to Fishing Creek
44	Hollins Mill Road at Cleveland Avenue	37 ⁰ -25'-55"	79 ⁰ -09'-54"	Tributary to Blackwater Creek
48	Pansy Street between Amherst Street and Botetourt Street	37 ⁰ -25'-44"	79 ⁰ -09'-10"	Tributary to James River
52	Beneath Rivermont Bridge at Blackwater Creek Trail	37 ⁰ -25'-10"	79 ⁰ -08'-52"	Blackwater Creek
55	Dead end of Pansy Street at Norwood Street	37 ⁰ -25'-40"	79 ⁰ -09'-00"	Tributary to James River
56	Horseford Road at Commerce Street	37 ⁰ -24'-39"	79 ⁰ -08'-15"	James River
57	13th Street and Jefferson Street	37 ⁰ -24'-46"	79 ⁰ -08'-15"	James River
59	10th Street and Jefferson Street	37 ⁰ -24'-54"	79 ⁰ -08'-23"	James River
61	Main Street and Elm Street	37 ⁰ -24'-23"	79 ⁰ -08'-05"	Tributary to James River
62	Between Holiday Street and Tazewell Street	37 ⁰ -23'-40"	79 ⁰ -08'-54"	Tributary to Fishing Creek
66	19th Street and Floyd Street	37 ⁰ -24'-02"	79 ⁰ -08'-46"	Tributary to Fishing Creek
68	Gordon Street and Carroll Avenue	37 ⁰ -23'-37"	79 ⁰ -09'-27"	Fishing Creek
70	Off Greene Street at Cobbs Street	37 ⁰ -23'-22"	79 ⁰ -09'-16"	Tributary to Fishing Creek
97	Access Road off Hydro Street at CSX Railroad	37 ⁰ -26'-51"	79 ⁰ -10'-29"	James River
98	Behind Randolph Macon Womans College at athletic field	37 ⁰ -26'-38"	79 ⁰ -10'-17"	Tributary to James River
100	Garnet Street at CSX Railroad	37 ⁰ -24'-23"	79 ⁰ -07'-58"	James River
109	Concord Turnpike at Wastewater Treatment Plant	37 ⁰ -23'-48"	79 ⁰ -06'-52"	James River
116	Meeting House Branch at 7th Street Extended	37 ⁰ -24'-31"	79 ⁰ -09'-32"	Meeting House Branch
121	James River and Cedar Drive	37 ⁰ -26'-37"	79 ⁰ -10'-06"	James River
122	James River and Denver Avenue	37 ⁰ -26'-03"	79 ⁰ -09'-09"	James River
123	James River and Willow Street Extended	37 ⁰ -25'-55"	79 ⁰ -09'-02"	James River
124	James River and I Street Extended	37 ⁰ -25'-39"	79 ⁰ -08'-38"	James River
125	Carter Glass Bridge and Concord Turnpike	37 ⁰ -24'-30"	79 ⁰ -08'-09"	James River
133	Concord Turnpike and Fishing Creek	37 ⁰ -23'-56"	79 ⁰ -07'-26"	Fishing Creek

CONDITIONS APPLICABLE TO ALL VPDES PERMITS

A. Monitoring

1. Samples and measurements taken as required by this permit shall be representative of the monitored activity.
2. Monitoring shall be conducted according to procedures approved under Title 40 Code of Federal Regulations Part 136 or alternative methods approved by the U.S. Environmental Protection Agency, unless other procedures have been specified in this permit.
3. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals that will insure accuracy of measurements.

B. Records

1. Records of monitoring information shall include:
 - a. The date, exact place, and time of sampling or measurements;
 - b. The individual(s) who performed the sampling or measurements;
 - c. The date(s) and time(s) analyses were performed;
 - d. The individual(s) who performed the analyses;
 - e. The analytical techniques or methods used; and
 - f. The results of such analyses.
2. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years, the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period of retention shall be extended automatically during the course of any unresolved litigation regarding the regulated activity or regarding control standards applicable to the permittee, or as requested by the Board.

C. Reporting Monitoring Results

1. The permittee shall submit the results of the monitoring required by this permit not later than the 10th day of the month after monitoring takes place, unless another reporting schedule is specified elsewhere in this permit. Monitoring results shall be submitted to:

Virginia Department of Environmental Quality
Blue Ridge Regional Office
7705 Timberlake Road
Lynchburg, Virginia 24502

2. Monitoring results shall be reported on a Discharge Monitoring Report (DMR) or on forms provided, approved or specified by the Department.

3. If the permittee monitors any pollutant specifically addressed by this permit more frequently than required by this permit using test procedures approved under Title 40 of the Code of Federal Regulations Part 136 or using other test procedures approved by the U.S. Environmental Protection Agency or using procedures specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or reporting form specified by the Department.
4. Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.

D. Duty to Provide Information

The permittee shall furnish to the Department, within a reasonable time, any information which the Board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Board may require the permittee to furnish, upon request, such plans, specifications, and other pertinent information as may be necessary to determine the effect of the wastes from his discharge on the quality of state waters, or such other information as may be necessary to accomplish the purposes of the State Water Control Law. The permittee shall also furnish to the Department upon request, copies of records required to be kept by this permit.

E. Compliance Schedule Reports

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

F. Unauthorized Discharges

Except in compliance with this permit, or another permit issued by the Board, it shall be unlawful for any person to:

1. Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances; or
2. Otherwise alter the physical, chemical or biological properties of such state waters and make them detrimental to the public health, or to animal or aquatic life, or to the use of such waters for domestic or industrial consumption, or for recreation, or for other uses.

G. Reports of Unauthorized Discharges

Any permittee who discharges or causes or allows a discharge of sewage, industrial waste, other wastes or any noxious or deleterious substance into or upon state waters in violation of Part II F; or who discharges or causes or allows a discharge that may reasonably be expected to enter state waters in violation of Part II F, shall notify the Department of the discharge immediately upon discovery of the discharge, but in no case later than 24 hours after said discovery. A written report of the unauthorized discharge shall be submitted to the Department, within five days of discovery of the discharge. The written report shall contain:

1. A description of the nature and location of the discharge;
2. The cause of the discharge;
3. The date on which the discharge occurred;
4. The length of time that the discharge continued;
5. The volume of the discharge;
6. If the discharge is continuing, how long it is expected to continue;
7. If the discharge is continuing, what the expected total volume of the discharge will be; and

8. Any steps planned or taken to reduce, eliminate and prevent a recurrence of the present discharge or any future discharges not authorized by this permit.

Discharges reportable to the Department under the immediate reporting requirements of other regulations are exempted from this requirement.

H. Reports of Unusual or Extraordinary Discharges

If any unusual or extraordinary discharge including a bypass or upset should occur from a treatment works and the discharge enters or could be expected to enter state waters, the permittee shall promptly notify, in no case later than 24 hours, the Department by telephone after the discovery of the discharge. This notification shall provide all available details of the incident, including any adverse affects on aquatic life and the known number of fish killed. The permittee shall reduce the report to writing and shall submit it to the Department within five days of discovery of the discharge in accordance with Part II I 2. Unusual and extraordinary discharges include but are not limited to any discharge resulting from:

1. Unusual spillage of materials resulting directly or indirectly from processing operations;
2. Breakdown of processing or accessory equipment;
3. Failure or taking out of service some or all of the treatment works; and
4. Flooding or other acts of nature.

I. Reports of Noncompliance

The permittee shall report any noncompliance which may adversely affect state waters or may endanger public health.

1. An oral report shall be provided within 24 hours from the time the permittee becomes aware of the circumstances. The following shall be included as information which shall be reported within 24 hours under this paragraph:
 - a. Any unanticipated bypass; and
 - b. Any upset which causes a discharge to surface waters.
2. A written report shall be submitted within 5 days and shall contain:
 - a. A description of the noncompliance and its cause;
 - b. The period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and
 - c. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

The Board may waive the written report on a case-by-case basis for reports of noncompliance under Part II I if the oral report has been received within 24 hours and no adverse impact on state waters has been reported.

3. The permittee shall report all instances of noncompliance not reported under Parts II I 1 or 2, in writing, at the time the next monitoring reports are submitted. The reports shall contain the information listed in Part II I 2.

NOTE: The immediate (within 24 hours) reports required in Parts II G, H and I may be made to the Department's Regional Office at (434) 582-5120 (voice) or (434) 582-5125 (fax). For reports outside normal working hours, leave a message and this shall fulfill the immediate reporting requirement. For emergencies, the Virginia Department of Emergency Services maintains a 24 hour telephone service at 1-800-468-8892.

J. Notice of Planned Changes

1. The permittee shall give notice to the Department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:
 - a. The permittee plans alteration or addition to any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced:
 - (1) After promulgation of standards of performance under Section 306 of Clean Water Act which are applicable to such source; or
 - (2) After proposal of standards of performance in accordance with Section 306 of Clean Water Act which are applicable to such source, but only if the standards are promulgated in accordance with Section 306 within 120 days of their proposal;
 - b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations nor to notification requirements specified elsewhere in this permit; or
 - c. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.
2. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

K. Signatory Requirements

1. Applications. All permit applications shall be signed as follows:
 - a. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
 - b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
 - c. For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a public agency includes: (i) The chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.
2. Reports, etc. All reports required by permits, and other information requested by the Board shall be signed by a person described in Part II K 1, or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - a. The authorization is made in writing by a person described in Part II K 1;

- b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and
- c. The written authorization is submitted to the Department.
- 3. Changes to authorization. If an authorization under Part II K 2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part II K 2 shall be submitted to the Department prior to or together with any reports, or information to be signed by an authorized representative.
- 4. Certification. Any person signing a document under Parts II K 1 or 2 shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

L. Duty to Comply

The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the State Water Control Law and the Clean Water Act, except that noncompliance with certain provisions of this permit may constitute a violation of the State Water Control Law but not the Clean Water Act. Permit noncompliance is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under Section 405(d) of the Clean Water Act within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if this permit has not yet been modified to incorporate the requirement.

M. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall apply for and obtain a new permit. All permittees with a currently effective permit shall submit a new application at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the Board. The Board shall not grant permission for applications to be submitted later than the expiration date of the existing permit.

N. Effect of a Permit

This permit does not convey any property rights in either real or personal property or any exclusive privileges, nor does it authorize any injury to private property or invasion of personal rights, or any infringement of federal, state or local law or regulations.

O. State Law

Nothing in this permit shall be construed to preclude the institution of any legal action under, or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any other state law or regulation or under authority preserved by Section 510 of the Clean Water Act. Except as provided in permit conditions on "bypassing" (Part II U), and "upset" (Part II V) nothing in this permit shall be construed to relieve the permittee from civil and criminal penalties for noncompliance.

P. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Sections 62.1-44.34:14 through 62.1-44.34:23 of the State Water Control Law.

Q. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes effective plant performance, adequate funding, adequate staffing, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by the permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

R. Disposal of solids or sludges

Solids, sludges or other pollutants removed in the course of treatment or management of pollutants shall be disposed of in a manner so as to prevent any pollutant from such materials from entering state waters.

S. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

T. Need to Halt or Reduce Activity not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

U. Bypass

1. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Parts II U 2 and U 3.
2. Notice
 - a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, prior notice shall be submitted, if possible at least ten days before the date of the bypass.
 - b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Part II I.

3. Prohibition of bypass.

- a. Bypass is prohibited, and the Board may take enforcement action against a permittee for bypass, unless:
 - (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (3) The permittee submitted notices as required under Part II U 2.
- b. The Board may approve an anticipated bypass, after considering its adverse effects, if the Board determines that it will meet the three conditions listed above in Part II U 3 a.

V. Upset

- 1. An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limitations if the requirements of Part II V 2 are met. A determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is not a final administrative action subject to judicial review.
- 2. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - a. An upset occurred and that the permittee can identify the cause(s) of the upset;
 - b. The permitted facility was at the time being properly operated;
 - c. The permittee submitted notice of the upset as required in Part II I; and
 - d. The permittee complied with any remedial measures required under Part II S.
- 3. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

W. Inspection and Entry

The permittee shall allow the Director, or an authorized representative, upon presentation of credentials and other documents as may be required by law, to:

- 1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- 2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- 3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- 4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act and the State Water Control Law, any substances or parameters at

any location.

For purposes of this section, the time for inspection shall be deemed reasonable during regular business hours, and whenever the facility is discharging. Nothing contained herein shall make an inspection unreasonable during an emergency.

X. Permit Actions

Permits may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

Y. Transfer of permits

1. Permits are not transferable to any person except after notice to the Department. Except as provided in Part II Y 2, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued, or a minor modification made, to identify the new permittee and incorporate such other requirements as may be necessary under the State Water Control Law and the Clean Water Act.
2. As an alternative to transfers under Part II Y 1, this permit may be automatically transferred to a new permittee if:
 - a. The current permittee notifies the Department at least 30 days in advance of the proposed transfer of the title to the facility or property;
 - b. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and
 - c. The Board does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in Part II Y 2 b.

Z. Severability

The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.